



# Town of Carlisle

MASSACHUSETTS 01741

Office of

## PLANNING BOARD

### MINUTES

April 26, 1999

P.O. BOX 827  
CARLISLE, MA 01741  
(978) 369-9702

**Public Hearing: Proposed amendment to the Carlisle Zoning Bylaws – Child care uses to be allowed by right (3.2.2.3; 3.2.1)**

**Continued Public Hearing: Proposed amendment to the Carlisle Zoning Bylaws - Floor area and resident age limits in Senior Residential Open Space Communities (Sec. 5.7.4.13 and 5.7.4.18)**

**Request for approval of building construction on Lots 1 and 2 of Pine Meadow Definitive Subdivision Plan prior to Nov. 15, 2000, as specified in condition #1 of Certificate of Approval**

**Review of Preliminary Subdivision Plan for Deer Creek Estates (a.k.a. Hunters Run), Map 25, Parcel 15 off Nickles Lane and Oak Knoll Road. [Application of Robert and Jean Kydd]**

**Public Hearing: Amendment to Definitive Subdivision Plan for Maplewood Road (a.k.a. West Meadow), 361 Acton Street, Map 17, Parcel 17A, approved 9/28/98, [Robert Koning, applicant]**

**Request for lot release, Maplewood Definitive Subdivision Plan, Lot 1**

**Request for discussion of Town acquisition of Wang-Coombs property on Curve Street, Map 28, Parcels 2 & 8 (Warrant Article 14) [Request of Carlisle Land Trust]**

**ANR Plan: Curve and Fiske Streets, Map 28, Parcels 2 & 8, Juliette Wang, applicant**

Chair Hengeveld called the meeting to order at 7:30 p.m. Members Abend, Holzman and Tice were present. Epstein, LaLiberte and Reid were not present this evening. Planning Administrator George Mansfield and *Mosquito* reporter David Ives were also present.

Abend made some corrections to the minutes of March 22, 1999. Tice moved to accept the minutes as amended and Abend seconded. The motion carried 4-0. The minutes of April 12, 1999 were also reviewed. Tice moved to accept the minutes as drafted. Abend seconded and the motion carried 3-0-1 with Abend abstaining.

The Board reviewed the draft decision of the Laurajon Common Driveway Disapproval. Hengeveld signed the document.

### **Presentation of the Open Space Neighborhood article at Town Meeting**

Abend explained that he and Epstein had discussed the presentation and decided to keep it simple using a standard overhead projector. After a brief overview highlighting the main points of the article, several slides will be presented to answer specific questions such as: definitions of an ANR, Subdivision and Conservation Cluster; wells and septic in the open space; lot sizes vs. open space in conservation clusters and subdivisions. Abend welcomed input from other Board members ASAP.

### **Acceptance of Ice Pond Road**

Hengeveld noted that a problem has arisen with a culvert under Ice Pond Road at East Street. The Selectmen have asked the current owners to resolve this before the roadway can be accepted. Hengeveld noted that the PB has signed the certificate of completion based on its engineer's review, and it is now out of the PB's jurisdiction. Hengeveld informed the Board that Selectman Chaput had suggested that the PB retain a certain amount of money from the developers for a significant number of years following completion of a project. Board members were not sure this would be appropriate, but agreed to consider it in the future.

**Public Hearing: Proposed amendment to the Carlisle Zoning Bylaws – Child care uses to be allowed by right (3.2.2.3; 3.2.1)**

The following residents were present for this public hearing: Kathleen Coyle and Doug Goodale of Maple Street, Vivian Chaput of Milne Cove Lane, Claude von Roesgen of Page Brook Road and John Bakewell of Rutland Street. No one was in attendance to present this warrant article, but Selectman Vivian Chaput offered some explanation. She stated that the Board of Appeals had proposed this bylaw revision because under state regulations, the local board of appeals is not authorized to impose zoning regulations on daycare facilities. The proposal was brought to the Bylaw Review Committee, which drafted this amendment in order to bring the Carlisle Zoning Bylaws in compliance with state laws.

Mansfield explained further, noting that the current Carlisle Zoning Bylaw requires a special permit from the ZBA for childcare facilities. In order to comply with state law, this requirement will be eliminated and these facilities will be allowed by right.

Holzman noted that this means a commercial daycare facility could be opened anywhere in Carlisle with no site plan review. Chaput stated that the amendment, as drafted, was recommended by Town Counsel, the Board of Appeals and the Bylaw Review Committee. She suggested that the Board include these concerns in their recommendation to Town Meeting. The Board discussed its concerns and possible options regarding the lack of site plan review. Mansfield noted that Town Meeting could not act on issues not previously advertised for a public hearing. Abend was concerned that this issue would be too complicated to discuss and amend at Town Meeting. Ultimately, Holzman moved to vote to make “no recommendation” on this warrant article. Tice seconded and the motion carried 4-0.

**Continued Public Hearing: Proposed amendment to the Carlisle Zoning Bylaws - Floor area and resident age limits in Senior Residential Open Space Communities (Sec. 5.7.4.13 and 5.7.4.18)**

The above listed members of the public were also present for this public hearing. Again the petitioner was not present to explain the proposed amendment. Mansfield explained that he spoke with Judith Pettit, the lead petitioner, and she stated that she would either send another representative or send a letter explaining her position. Neither happened.

Chaput explained that she was interested in hearing arguments for the proposed changes, because she had been involved in writing the original SROSC bylaw. She explained that the original intent of this bylaw had been to provide affordable housing for senior citizens and to minimize impact on the land and environment. Chaput stated that she was not necessarily opposed to the amendment, but felt that the issue needs more public discussion. She also noted that the original bylaw was discussed in depth before it was enacted and felt the changes deserved the same attention.

Mansfield asked if a formal presentation had been made to the Selectmen. Chaput said that they had only received a written copy of the petition with signatures, but no supporting statements or presentations.

Abend noted that in working throughout Eastern Massachusetts, he found that most senior housing facilities have an age limit of 55 or older. The amendment to age did not concern him. Abend did feel uncomfortable supporting the increased size of the units. He thought this would no longer allow the development to be clustered as intended in the original bylaw.

Tice moved to vote to make “no recommendation” on this warrant article. Abend seconded and the motion carried 3-1 with Hengeveld opposed.

Abend moved to close the SROSC public hearing. Tice seconded and the motion carried 4-0. Tice moved to close the public hearing regarding childcare facilities. Abend seconded the motion and it carried 4-0.

**Request for approval of building construction on Lots 1 and 2 of Pine Meadow Definitive Subdivision Plan prior to Nov. 15, 2000, as specified in condition #1 of Certificate of Approval**

The previously listed members of the public were still in attendance. Mansfield explained that this request would decrease the length of time stated in condition #1 of the certificate of approval. He noted that a 4/5/99 memo from ConsCom does not support this request. No written communication has been received from other land use boards. He added that according to the Selectmen's minutes of 4/15/99, the Municipal Land Committee had voted not to grant a release of the lots. Mansfield said there had been some discussion with William Costello today, and asked Selectman Chaput to explain the nature of that discussion to the Board.

Chaput explained that she spoke to Costello regarding the pathway on the shoulder of Maple Street that was part of the original approval. She noted that the Bike/Pedestrian Safety Committee is concerned about the safety of the curve on Maple Street at lot 15. Chaput is negotiating with Costello to consider modifying the plans to create a meandering path in this area. The path would use some of lot 15 to achieve this, but would alleviate some safety concerns in exchange for earlier release of the lots. Hengeveld asked if the Planning Board would be asked to participate in these negotiations. Chaput expected they would be brought into the process soon.

Abend, speaking as an abutter, noted that he spoke with his neighbors, the Hurds, and they realize that these lots are likely to be developed. If the lots are developed, they expressed their wish to see these lots have wider buffer areas in order to provide some screening and to fit in better with the existing community.

Douglas Goodale felt that he is most affected by this development and thought that the Board should retain the lots for the entire three years. He also explained that some residents are under the impression that these lots have already been donated to the Town. He suggested this issue be clarified to the public.

Claude von Roesgen felt that the vista should be preserved. Kathleen Coyle agreed with her neighbors and suggested that the Board obtain a written recommendation from the Municipal Land Committee before 5/10/99. As liaison to the MLC, Abend agreed to look into this. Hengeveld asked the PA to obtain a written recommendation from RecCom.

Discussion was continued to 5/10/99.

**Review of Preliminary Subdivision Plan for Deer Creek Estates (a.k.a. Hunters Run), Map 25, Parcel 15 off Nickles Lane and Oak Knoll Road. [Application of Robert and Jean Kydd]**

Robert and Jean Kydd were present along with their attorney, Douglas Hausler and their engineer, John Boardman of Ross and Associates. The following members of the public were in attendance: Kathleen Coyle and Doug Goodale of Maple Street, Vivian Chaput of Milne Cove Lane, Claude von Roesgen of Page Brook Road, John Bakewell of Rutland Street, David and JoAnne Kelch of Oak Knoll Road, Louise Hara and Wayne Davis of Concord Road, Jon Fay of Overlook Drive, Susan E. McAndrew, Karla Johnson and Milan Bedrosian of Nickles Lane, Jerry Smith of Hemlock Hill Road.

Hausler explained that the Kydds are proposing a 7-lot subdivision off Nickles Lane and Oak Knoll Road. They are looking for PB feedback regarding the requested waivers.

Boardman then explained how the 28-acre parcel would be developed. He proposed a standard, cul-de-sac right of way at the end of Nickles Lane with three oversized lots. Oak Knoll Road would also have a cul-de-sac right-of-way with four oversized lots. In order to reduce cut and fill requirements and to preserve wildlife, Boardman

proposed to waive road construction standards and to create 16-ft. wide, loop, common driveways in the area of the cul-de-sacs, but not necessarily within the right-of-way. Each loop would contain a 2000 gal. fire cistern. Development on Nickles Lane will be out of the wetland area and will not require ConsCom approval. On Oak Knoll Road, some septic system grading will be required within the 100-ft. buffer zone and will require approval from ConsCom. Boardman noted that each house would have its own driveway off the loop driveways and drainage will be in compliance with the stormwater management policy. On Nickles Lane, the water will be channeled to the existing detention basin off-site. He explained that final drainage calculations would be presented with the definitive plan.

Tice asked why the applicant was seeking a waiver regarding test borings along the roadway. Boardman explained that it is already known that there is ledge in this area and that blasting will be necessary. Also, in 1996 the applicant conducted ground-penetrating radar testing in the area in connection with the original disapproved plan. Boardman felt the results of these tests would still be applicable. Regarding the requirement for a landscaping plan, Boardman felt this would not be necessary since they will already be minimizing disturbance to the land. Boardman noted that a waiver would also be required to use the existing detention pond on Nickles Lane. He explained that this pond was originally designed to accommodate potential, further development and it would be adequate to serve the additional three lots.

Tice asked if the current residents would benefit from the proposed cisterns. Boardman noted that on Nickles Lane there is already a cistern in place to serve the current residents. The cistern proposed on Oak Knoll, however, would benefit the current residents.

Boardman stated that the applicant is seeking a waiver from the traffic study requirement, because there are already a large number of homes on these roads, and the proposed development would not significantly impact the existing traffic. Boardman added that he had already met with the Board of Health and they had no major concerns with the plan. He noted that the applicant would not be seeking any waivers from the BOH.

John Bakewell asked if the applicant had sought approval from ConsCom. Boardman explained that they have not filed with ConsCom yet, because this is still a preliminary plan.

JoAnne Kelch felt that four lots additional lots on Oak Knoll would be too many. She recalled that only two lots actually perced in previous tests. Hengeveld noted that this would be a BOH issue.

Jerry Smith was satisfied that there would be no thru-road. He appreciated the Kydds efforts to work with the abutters although he had understood that only three lots would be proposed on Oak Knoll Road.

Karla Johnson felt the design of Nickles Lane is acceptable, but wished to see fewer homes on Oak Knoll Road. She also felt the Board should not waive the landscaping requirement and expressed concern about blasting near her well.

David Kelch agreed with comments made by Jerry Smith and added that he appreciates the addition of a fire cistern on Oak Knoll Road. He questioned whether it made sense to allow the applicant to overdevelop Oak Knoll Road.

Vivian Chaput, speaking as a resident, recognized the extraordinary situation in attempting to develop this property, but reminded those present that the Subdivision Rules and Regulations limit cul-de-sac development to 15 houses and 1000 ft. In the interest of setting a proper precedent, and for safety reasons, she recommended that the Board not allow more than one ANR lot on Oak Knoll Road unless the development is designed as a thru-road. She felt this road is already over developed.

Abend agreed with Chaput's statements and noted that the Board previously asked for a maximum of two additional lots on Oak Knoll Road. He felt that development of this site is too costly, both environmentally and financially. Regarding the loop driveways, Abend felt it would not set a good precedent to allow wht would appear to be frontage from a private roadway and he suggested creating a larger public cul-de-sac. Boardman explained that they

are concerned about minimizing disturbance to the land. Abend suggested adding a fourth lot to Nickles Lane and reducing the lots on Oak Knoll Road, but Boardman explained that there are septic issues on the Nickles Lane site, which prohibit a fourth lot. Abend wished to ensure that the lots will not be further subdivided in the future. Hausler reminded those present that the original plan called for ten lots and it has now been reduced to seven.

The Board discussed options for roadway configuration and Mansfield informed the Board that the general bylaws allow the Town to accept a roadway with minimum width of 18-ft. provided that the cul-de-sac serves fewer than 15 homes.

Boardman told the Board that he understood he was being encouraged to pursue a common driveway design. He noted that the original, disapproved plan tried to meet the letter of the regulations. He felt the new plan requires waivers, but is attempting to meet the intent of the regulations.

Abend reiterated his concern for setting bad precedent. Tice was in favor of the Nickles Lane portion of the plan though he felt it would be best to allow public access. He also wished to prevent any further subdivision of the property. Tice felt that there is too much development proposed for Oak Knoll Road.

Holzman noted that access to this subdivision via Milne Cove Road is dangerous. He felt that if Milne Cove Road could be brought up to current roadway standards, perhaps he would be more favorably disposed toward development on Oak Knoll Road. Abend added that sight distances at Nickles Lane and East Street also need improvement and did not feel that a waiver of the traffic study would be appropriate.

Because of upcoming elections and Board turnover, discussion was continued to 5/24/99 at 8:45 p.m. Hausler agreed to send a letter granting an extension. Hengeveld thanked the Kydds for their cooperation with neighbors.

Because of a communication error, this meeting was not advertised 10 days in advance as required in the rules and regs. The meeting was advertised 4 days prior, however, and abutters were notified by the applicant. Noting that a significant number of residents were in attendance, Abend **moved to waive the procedure requiring 10 days advance notice of this meeting.** Tice seconded and the Board approved the motion 4-0.

**Public Hearing: Amendment to Definitive Subdivision Plan for Maplewood Road (a.k.a. West Meadow), 361 Acton Street, Map 17, Parcel 17A, approved 9/28/98, [Robert Koning, applicant]**

Robert Koning and his engineer Joe March of Stamski and McNary were present. Abutters Rob Koning, Jr., Jan Sacks and Marty Schafer of Acton Street were also present.

March explained that the original plan required approximately 4-1/2 feet of fill for the roadway. He stated that the amended plan would require approximately 2 feet of fill and would result in a maximum grade of 9.9% for a length of approximately 50 feet. This amendment would require a waiver, but would improve the visual aspects of the roadway.

Tice, Abend and Holzman all stated that they had visited the roadway site and agreed with the proposed amendment.

Neighbors Jan Sacks and Marty Schafer stated that they were in favor of any revision, which would lessen the effect of a raised roadway.

Tice **moved to approve the revision to Maplewood Road Plan and Profile originally dated 6/15/98, revised 4/7/99.** Abend seconded and the motion carried 4-0. Mansfield noted that the required waiver should be approved as well. Abend then **moved to waive the subdivision rules and regulations requiring an 8% grade of road, to allow a maximum 10% grade for a 50-ft. section of the roadway.** Tice seconded the motion and it carried 4-0. The Board signed the amended, redlined plan.

**Request for lot release, Maplewood Definitive Subdivision Plan, Lot 1**

Koning asked for a release of Lot 1 in order to begin construction. Based on a 4/16/99 memo from Earth Tech and a 4/16/99 memo from the Assessors Office, Tice **moved to approve release of Lot 1 of the Maplewood Subdivision, from the covenant dated 10/26/98.** Abend seconded the motion and it carried 4-0.

**Request for discussion of Town acquisition of Wang-Coombs property on Curve Street, Map 28, Parcels 2 & 8 (Warrant Article 14) [Request of Carlisle Land Trust]**

Wayne Davis, a member of the Board of Trustees of the Carlisle Land Trust, explained the proposed warrant article to the Board. He stated that the CLT hopes the Town will acquire approximately 32 acres of Wang-Coombs property, which would include the entire field north of Curve Street and the eastern half of the field south of Curve Street. He noted that this land is currently in active cultivation and under chapter 61A. The CLT, acting as buyer of the property, will purchase 43 acres and hopes to sell 32 acres to the Town. The State will reimburse the Town \$10,000 per acre in exchange for placing a permanent agricultural restriction on the land. Three lots on the southwestern portion of the property will be developed. Davis said the development will be built on the least arable portion of the parcel and will help the CLT finance the purchase. He noted that this land is valuable for several reasons: 1) It is prioritized as category 1 in the 1994 Open Space and Recreation report, 2) it has been in active agricultural use for over 200 years and 3) it is near Great Brook Farm, the Cranberry Bog and other existing open space parcels. Davis stated that the CLT is seeking Planning Board support for Town Meeting.

Abend **moved to strongly support the acquisition of 32 acres of the property known as Wang-Coombs, currently under agricultural use, as proposed in Articles 14 and 15 of the Town Meeting warrant.** Tice seconded the motion.

Holzman asked how the open space would be used by the Town and wondered if the public would have access to the property. Davis stated that its use would be consistent with agricultural use and the property would be administered by ConsCom. A recorded agricultural preservation restriction would be put on the land. David Kelch noted that he had walked the property with representatives from the State and they had encouraged the creation of trails, especially if they could link to existing trails. Kelch envisioned trails along the perimeter of the fields so as not to interfere with the agricultural use of the property. Vivian Chaput noted that the Federal Fish and Wildlife Agency does not allow horses or bikes on the property it purchased in Carlisle.

The Board voted 4-0 in favor of the above stated motion.

**ANR Plan: Curve and Fiske Streets, Map 28, Parcels 2 & 8, Juliette Wang, applicant**

John Boardman of Ross and Associates presented the ANR plan on behalf of Acton Management, Inc., which is acting as seller of the Wang-Coombs property. For the purpose of evaluating the property, Boardman divided it into a total of 13 lots. Wayne Davis explained that the CLT hired an independent consultant to evaluate the property also and they found no problems with the ANR plan.

Abend **moved to endorse the plan of land in Carlisle, MA, surveyed for Acton Management, Inc. dated 1/19/1999, sheets 1 and 2, as approval not required.** Tice seconded the motion and it carried 4-0.

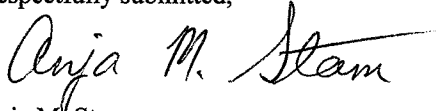
**ANR Plan: Robert Hilton, applicant**

Mansfield explained that Hilton brought the ANR plan in today and wished to present it to the Board. Hilton then explained that he is in the process of moving a house to a lot adjacent to his own house and needs to move the lot

lines in order to accommodate the dwelling and provide proper setbacks. The Board decided that it should not act on the plan for two reasons: 1) The plan requires four signatures and Holzman should recuse himself as an abutter, leaving only three members in attendance. 2) The Board also felt that posting this plan on the agenda would give abutters an opportunity to express any concerns they might have. Discussion was continued to 5/10/99.

At 10:30 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,

A handwritten signature in cursive script, reading "Anja M. Stam". The signature is written in dark ink and is positioned above the printed name and title.

Anja M. Stam  
Recording Secretary